

29 March 1973

MEMORANDUM FOR: Chairman, Technical Surveillance Countermeasures Committee

SUBJECT : Protection of Training Film

1. This is in response to your request of yesterday concerning possible protection actions available to the Agency concerning the training film we viewed yesterday.

2. The Freedom of Information Act requires each agency to make available to the public, on request, identifiable records. But the Act does not apply to matters that are "related solely to the internal personnel rules and practices of an agency". The legislative history of that language indicates that it is meant to relate to those matters which are for the guidance of departmental personnel<sup>1/</sup> only, including internal rules and practices which cannot be disclosed to the public without substantial prejudice to the effective performance of a significant function. We believe the film would fall within this exemption and the Agency therefore, as a matter of policy, may elect to refuse to make it available to a requester. Further, if we do furnish the film to a liaison service or to any other person or organization, we could do so without weakening our legal authority to deny it to others.

3. As to the classification, if any, to be applied, under the Executive Order we are not free to determine classification simply on the basis of the use to which the film is to be put, e.g., training of dependents. The Order requires the responsible official to determine that a document or information does or does not fall within one of the categories of defense information as defined in the Order, that is, Top Secret, Secret or Confidential. If the official determines that the document does fall within one of those definitions, he must classify it. Documents classified as national defense information also are exempt from the disclosure requirements of the Freedom of Information Act.

OGC Has Reviewed



Associate General Counsel

STATINTL

<sup>1/</sup> For this purpose, CIA personnel may be considered as including dependents.

OGC; rhl; sin

Original - Addressee

Approved For Release 2003/04/23 : CIA-RDP75-00793R000200170023-5

1 - Security-E.O. 11652-Classification & Declassification subj  
1 - RHL signer 1 - Chrono

STATINTL

MEMORANDUM FOR: Chairman, Technical Surveillance  
Countermeasures Committee

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STATINTL

[ ] suggests that if it is decided the film is not to be classified and its protection would rest on the Freedom of Information Act exclusion, it might be well to preface the film with a leader which would set out the rules for its use. We will be glad to draft the language if you desire.

[ ]

Associate General Counsel

2 April 1973

(DATE)

STATINTL

FORM NO. 101 REPLACES FORM 10-101  
1 AUG 54 WHICH MAY BE USED.

(47)

NOTE ATTACHED TO MEMORANDUM FOR CHAIRMAN, TECHNICAL SURVEILLANCE  
COUNTERMEASURES COMMITTEE SUBJECT : PROTECTION OF TRAINING FILM